

Application No. 10/715912
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Amendment
Attorney Docket No. H76.2N-8151-US06

Remarks

Claims 29-35 are pending in the application. As indicated on page 2 of the Office Action, claims 38-44 were renumbered per rule 1.121 to 29-35.

Claims 38-44, now renumbered as claims 29-35, have been rejected under the judicially created doctrine of obviousness type double patenting as being unpatentable over claim 6 of U.S. Patent No. 6,660,772. Applicants are including a terminal disclaimer herewith, disclaiming the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §154 and 173, as presently shortened by any terminal disclaimer, of prior patent No. 6,660,772, to obviate the rejection. Applicants respectfully request withdrawal of the rejection of claims 38-44, now renumbered as claims 29-35, under the judicially created doctrine of obviousness type double patenting as being unpatentable over claim 6 of U.S. Patent No. 6,660,772.

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CONCLUSION

Claims 29-35 are pending in the application. Applicants have addressed the issue presented in the Office Action. Based on the foregoing, Applicants respectfully request reconsideration and an early allowance of the claims as presented. Should any issues remain, the attorney of record may be reached at (952)563-3011, to expedite prosecution of this patent application.

Respectfully submitted,

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